

PTO/SB/21 (04-04)

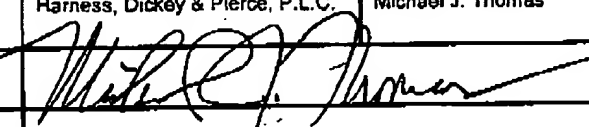
Approved for use through 07/31/2006. OMB 0551-0031

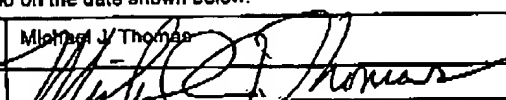
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/878,787	
	Filing Date	June 11, 2001	
	First Named Inventor	Goddard, et al.	
	Art Unit	2154	
	Examiner Name	Jinsong Hu	
Total Number of Pages in This Submission	5	Attorney Docket Number	2186-000002/US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harnes, Dickey & Pierce, P.L.C.	Attorney Name	Michael J. Thomas
Signature			Reg. No. 39,857
Date	April 21, 2005		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Michael J. Thomas	Express Mail Label No.	
Signature		Date	April 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1020

Complete if Known

Application Number 09/879,787

Filing Date June 11, 2001

First Named Inventor Goddard, et al.

Examiner Name Jinsong Hu

Art Unit 2154

Attorney Docket No. 2188-000002/US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number 080750Deposit
Account
Name Harnes, Dickey & Pierce, P.L.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fees under 37 CFR 1.16 and 1.17☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1)

(\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20	0	0	0
Independent Claims	3	0	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	350	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$0)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	1020
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,180	2255	1090	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (g)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	780	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	780	2801	395	Request for Continued Examination (RCE)	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$1020)

4. SEARCH/EXAMINATION FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1111	800	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	180	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	

SUBTOTAL (4)

(\$0)

SUBMITTED BY

Name (Print/Type)

Michael J. Thomas

Registration No.
(Attorney/Agent)

99,857

Telephone

314-726-7500

Signature

Date

April 21, 2005

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/878,787
Filing Date: June 11, 2001
Applicant: Goddard et al.
Group Art Unit: 2154
Examiner: Jinsong Hu
Title: System and Method for an Application-Space Server Cluster
Attorney Docket: 2186-000002/US (formerly UNL 3055.1)

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement mailed December 22, 2004, Applicant provisionally elects the "invention" of Group I (claims 1-2, 7-10, 12 and 17-19) with traverse.

Applicant respectfully submits that the restriction requirement is improper for failing to comply with Patent Office guidelines. Further, examination of all pending claims would not be unduly burdensome on the Examiner for the reasons explained below. Accordingly, the restriction requirement should be withdrawn.

The Patent Office indicated Group 1 (claims 1-2, 7-10, 12, and 17-19) is drawn to a system and method for delivering data to user based on user's request. However, independent claim 20 (Group II) recites a "system responsive to client requests for

delivering data via a network to a client," independent claim 21 (Group II) recites a "method for delivering data to a client in response to client requests," and independent claim 35 (Group III) recites a "system for delivering data to a client in response to client requests." Thus, because independent claims 20, 21 and 35 are each drawn to a system or method for delivering data to a client based on a client's request, these claims (and the claims depending therefrom) should also be included in Group I.

Additionally, independent claims 1 and 17 recite systems that interrelate a dispatch server and network servers as ring members of a token-passing ring network. Therefore, a search and examination of claims 1 and 17 will necessarily overlap with the claims of Group II, which the Patent Office indicated are drawn to a system or method for organizing a ring network and broadcasting messages in a ring network. Accordingly, examining the claims of Group I and II at the same time would not present an undue burden on the Examiner.

Further, independent claims 1 and 17 recite the ring network as being "fault-tolerant." Therefore, a search and examination of claims 1 and 17 will necessarily overlap with the claims of Group III, which the Patent Office indicated are drawn to a system or method for fault detection and recovery in a ring network. Accordingly, examining the claims of Group I and III at the same time would also not present an undue burden on the Examiner.

Further still, claims 27-28 and 32-33 (Group IV) recite additional steps for the method of claim 21, which is directed to organizing servers as ring members of a ring network, detecting a fault, and recovering from the fault. Therefore, these claims should

be examined together with independent claim 21. And as noted above, claim 21 should be examined together with independent claims 1 and 17.

For all these reasons, Applicant respectfully submits that the restriction requirement is improper (see MPEP §806.04), and that examination of all pending claims would not present an undue burden on the Examiner (see MPEP §803). Accordingly, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement.

Respectfully submitted,

Dated: 4-21-05

By: 
Michael J. Thomas, Reg. 39,857

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